

REMARKS

The Examiner has rejected claims 1-4 and 9-11 as anticipated by Lugtigheid (US 6,158,434). The Examiner also has rejected claims 5, 6 and 7 under 35 U.S.C. 103(a) as unpatentable over Lugtigheid et al. in view of Kirk (US 6,123,075). Claim 8 has been rejected as unpatentable over Lugtigheid et al. in view of Garrison et al. (US 6,645,197). Claims 12 and 13 are rejected as unpatentable over Lugtigheid et al. in view of Ott et al. (US 7,250,035). Claim 17 is rejected as unpatentable over Lugtigheid et al. in view of Milewicz (US 6,010,118). Finally, claims 14-16 and 18 have been rejected as unpatentable over Lugtigheid et al. in view of Ranford (US 5,279,549). Applicant traverses these rejections. Claim 1 is an independent claim from which all other pending claims depend.

Applicant has amended claim 1 to include a tubing system associated with each insufflations gas. The tubing system includes a first sensor for sensing whether a predetermined supply of insufflation gas is present and a second sensor for identifying the insufflating gas to be associated with the tubing system. The tubing system is in fluid communication with the inlets of the chamber. The outlet of the chamber is in fluid communication with an insufflator for supplying a gas mixture from the mixer system.

Lugtigheid discloses a ventilator system for ventilating a patient by administering gases to a patient. Lugtigheid, however, discloses no circuitry or sensor for sensing whether a predetermined supply of insufflation gas is present prior to entry into a mixing chamber. Nor does Lugtigheid disclose circuitry of a sensor for identifying the insufflating gas to be associated with the tubing system prior to entry into a mixing chamber. Rather, Lugtigheid discloses that sources of oxygen and air may be supplied to a blender, which is then supplied to an module 10 (see, e.g., Figs. 1 and 3). No sensors or circuitry are provided for identifying a predetermined supply of gas or for identifying the presence of each gas. Rather, Lugtigheid discloses separate measuring devices 26, 27, 28 that receive a "sample" of a gas mixture from a port 15 prior to entry into a patient's lungs 13 (Fig. 1a and col. 8, lines 22-24). Notably, after testing or sampling, the sampled gas mixture must be either exhausted via outlet tube 25, which leads to evacuation system 29, scavenged vis-à-vis scavenging system 31, or

"recycled" through the use of a port, that never is shown or otherwise identified, at the end of expiration limb 16 for further processing within ventilator 21 (col. 8, lines 28-34).

Claim 1, in contrast, does not require a separate sampling system that requires gases to be either exhausted or recycled. Rather, the gas may continue to the chamber to be mixed and then, ultimately, to a patient to the insufflator for further processing. In other words, amended claim 1, unlike Lugtigheid, does not require continuous samples of gas to be drawn away from the patient prior to entry into the patient's cavity (see e.g., col. 14, lines 20-24), and thus does not require a separate exhaust or recycling system to handle such samples.

Thus, Lugtigheid does not disclose, or even suggest, all of the elements of amended claim 1. Accordingly, Applicant respectfully asserts that the rejection of claim 1 has been overcome, and thus respectfully requests allowance of claim 1. As to the rejection of the remaining claims, claim 2 has been cancelled, and claims 3-18 all depend from claim 1 and therefore are allowable for at least the same reasons as claim 1.

Applicant also has submitted new claims 38-44, and contends that the cited references fail to disclose all such elements of the claims. For example, Lugtigheid fails to disclose or suggest an insufflator having a mixing chamber internal to the housing of such that all gases to be mixed and used to insufflate the cavity pass through the mixing chamber. Rather, Lugtigheid discloses that it is desirable instead to introduce at least one additional gas, such as Nitric Oxide, downstream from ventilator 21 and as a separate source of gas from module 10 (col. 2, lines 13-16 and Fig. 1a). Moreover, in the embodiments described in Lugtigheid, it is clear that various sources of gases are kept separate, and thus require separate measuring devices in order to test the gases, requiring additional components that are not required by the present invention.

Support for new claims 38-44 can be found at least in paragraph 25.

SUMMARY

Pending Claims 1, 3-18, as amended, and 38-44 are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



Anastasia Heffner
Registration No. 47,638
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200